

MONTANA LEGISLATIVE HISTORY

Chapter 151 19 59

Bill H _____ S 101 Original bill & history C

H. Committee on Public Health Morals & Safety S. Committee on Public Health and Safety

Hearing Date(s) Feb 02 ✓ C

Hearing Date(s) Feb 24 ✓ C

Feb 12 ✓ C

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Date Out Feb 12 ✓ C

Feb 24 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

February 2, 1959

A meeting of the Committee on Public Health and Safety was called to order by the Chairman, Senator Reardon, in Room 423 of the Capitol Building, at 12:30 P.M. The following members were present: Senators Reardon, Nees, Cotton and Balford.

Senator Sagunsky appeared before the committee in support of Senate Bill No. 137, amending Section 94-1002. He explained that the bill is designed to provide that the whole tract of land be abated, in addition to the building. The bill was discussed by the committee and they decided that it should be sent to the Judiciary Committee for examination and then returned to the committee for action.

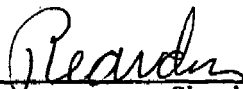
Senator Thiessen appeared before the committee in support of Senate Joint Resolution No. 3, providing for an investigation of the alcohol problem and a report to the 37th Legislative Assembly. This Resolution was referred to Senator Cotton. The title needs to be amended to provide for the report.

Senate Bill No. 101 was discussed and will be held over until such time as Senator Harken, one of its authors, can appear before the committee to explain his views.

Senate Bill No. 194, providing for the use of no toxic liquids in fire extinguishers, was discussed. Senator Anderson (Lincoln) appeared in support of it. He also presented the committee with a letter from the Montana School of Mines and from the State Department of Public Instruction, copies of which are attached, in support of the bill.

Senator Balgord made a motion that Senate Bill No. 194 Do Pass. Senator Nees seconded the motion, which was then passed by unanimous vote.

Upon motion made, seconded and carried, the meeting adjourned.


Chairman

February 12, 1959

The Senate Committee on Public Health & Safety met in Room 423 of the Capitol Building, Feb. 11, 1959. Chairman Reardon called the meeting to order at 3:35 PM. All members were present

Sen. R. C. Harken appeared before the Committee in support of SB No. 101.

It was moved by Sen. Cotton and seconded by Sen. Grant that SB No. 101 do pass. Motion carried.

A hearing was held on SB No. 120, each side being given a total of 30 minutes. Proponents: Sen. Lehrkind; James Morrow, Billings, attorney; David S. Thomas, Great Falls, District Engineer for Board of Fire Underwriters of the Pacific; Kenneth Skukrud, Bozeman service station operator; James B. Patton, Billings, Exec. Sec'y, Mont. Petroleum Ass'n. Proponents present but not testifying: Bob Williams, Russ Egeler, Russ Gensemer, Glen Williams, Don Locke, George Hoadley, Jack Hastie, Jr., Don Cullen, Mr. Nickin, Lou Arnold, R. H. Kinyon. Opponents: Michael Chilton, attorney; Ole Sather, Helena, Sather Insurance Agency.

Sen. Cotton moved that SB No. 120 be placed in a subcommittee to seek legal advice on the constitutionality of the measure. Seconded by Sen. Balgord and motion carried. Chairman Reardon appointed Senators Grant and Robinson on this subcommittee.

A hearing was held on Senate Bill No. 133, each side having ten minutes to testify. Proponents: Allen R. Bain, Fort Shaw; Emil Jackson, Fairfield; Mr. and Mrs. Iver Rood, Conrad. Opponents: Pat Hooks, attorney for Mont. Medical Ass'n.

Sen. Grant moved that SB 133 do not pass. Motion seconded by Sen. Goodwin and carried.

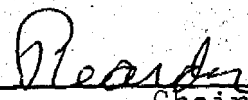
Sen. Lloyd Michels appeared before the committee in support of proposed amendments to SB No. 96.

Sen. Grant moved the adoption of amendments to SB No. 96, as shown on the attached committee report, and as so amended be reported out of committee without recommendation. Seconded by Sen. Cotton. Motion carried.

Sen. Henry Anderson testified in favor of SB No. 193.

It was moved by Sen. Cotton, seconded by Sen. Grant that Senate Bill No. 193 do pass. Motion carried.

Upon motion duly made and seconded, committee adjourned at 5:30 PM.


Chairman

February 24, 1959

PUBLIC HEALTH, MORALS AND SAFETY

A meeting on Public Health, Morals and Safety Committee was held February 24, 1959, Room 8, at 4:30.

Chairman Morrison called the meeting to order and the roll call was taken and showed ten members present.

Chairman Morrison presented Senate Bill No. 194, A bill for an act entitled: "An act to amend section 69-1807, revised codes of the State of Montana, 1947, relating to fire extinguisher requirements for buildings within the scope of Chapter 18 of Title 69, revised codes of Montana, 1947, to prohibit use of fire extinguishers containing toxic or poisonous vaporizing liquids and containing a repealing clause."

Motion was made by Representative Haines, seconded by Representative Sheldon that Senate Bill No. 194, be concurred in. Representative Elting was the only one voting no. Motion carried.

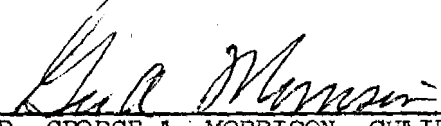
Senate Bill No. 101, A bill for an act entitled: "An act to amend Section 69-1328, revised codes of Montana, 1947, enacted as Chapter 142, laws of 1955, relating to definitions; providing that new industry or sewerage system discharging industrial or other wastes into waters excepted from the act be required to maintain the classification established by the council at the point of discharge and downstream from the discharge of such wastes; containing a repealing clause; providing an effective date of this act.", was presented by Chairman Morrison.

Representative Nees spoke on the contents of Senate Bill No. 101.

Representative Haines made a motion that Senate Bill No. 101, be concurred in, seconded by Representative Wold. Motion carried.

Senate Joint Resolution #3 will be held over and discussed on Thursday, as was Senate Bill No. 193.

No further discussion, meeting adjourned.


DR. GEORGE A. MORRISON, CHAIRMAN

of Montana, 1947, and all other acts and parts of acts in conflict herewith be, and the same are hereby repealed.

Approved March 7, 1959.

CHAPTER 150

An Act to Amend Section 16-1008A, as Amended, of the Revised Codes of Montana, 1947, Relating to Erection and Management of County Buildings; Civic Centers; Youth Centers, Park Buildings, Museums, Recreation Centers, Hospitals; and Other Improvements by Commission to Provide for the Inclusion of County Parks Within the Purview of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 16-1008A, as amended, of the Revised Codes of Montana, 1947, be, and the same is hereby amended as follows:

Power of board of county commissioners to erect and manage county buildings and improvements.

"16-1008A. (4465.8) **Erection and management of county buildings and other improvements.** The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: To cause to be erected, furnished and maintained a courthouse, jail, hospital, civic center, youth center, park buildings, museums, recreation centers, and any combination thereof, and such other public buildings as may be necessary.

Power to create commission to manage.

"The board of county commissioners shall have the power in their discretion to create a commission for the management of such civic center, youth center, park buildings, museums, *county parks*, recreation centers, hospitals, or any combination of two (2) or more thereof. Such commission shall be composed of the senior district court judge of the county, chairman of the board of county commissioners, the chairman of the school board for the district in which any of the above-named buildings are situated, and the mayor of the city in such district, and five (5) lay members to be appointed by the senior district court judge, the chairman of the board of county commis-

sioners, the chairman of the school board for the district in which any of the above-named buildings are situated, and the mayor of the city in such district, and their terms of office shall be respectively one (1) for one (1), two (2) for two (2), and two (2) for three (3) years, and on the expiration of such terms of one (1), two (2) and three (3) years, their successors shall hold for three (3) years each, and all of the above persons shall serve without compensation. In cases where a commission has been appointed, the commission together with the board of county commissioners shall have the power to employ a manager.

Terms of office.

"A county hospital so erected and furnished may be used for the hospitalization of the indigent sick of the county. Any county hospital which has heretofore been, or which may hereafter be, erected and furnished under the provisions of this act may also be used for the hospitalization of the nonindigent sick, provided said non-indigent sick pay a reasonable fee for such hospitalization, and provided further that, except in cases of emergency, there are no indigent sick needing hospitalization who would be deprived of hospitalization by reason of the use of said hospital facilities by nonindigents. The board of county commissioners of any county of this state which now has, or may hereafter acquire, title to a site and building, or buildings, suitable for county hospital purposes, shall have jurisdiction and power under such limitations and restrictions as are prescribed by law to furnish and equip such building, or buildings, for hospital purposes in accordance with and as provided by the provisions of this act."

County hospital for indigent sick.

Approved March 7, 1959.

CHAPTER 151

An Act to Amend Section 69-1328, Revised Codes of Montana, 1947, Enacted as Chapter 142, Session Laws of the Thirty-fourth Legislative Assembly of Montana, 1955, Relating to Definitions; Providing that New Industry or Sewerage System Discharging Industrial or Other Wastes Into Waters Excepted from the Act Be Required to Maintain the Classification Established

by the Council at the Point of Discharge and Downstream from the Discharge of Such Wastes; Containing a Repealing Clause; Providing an Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 69-1328 of the Revised Codes of Montana, 1947, as enacted by chapter 142, Session Laws of the Thirty-fourth Legislative Assembly of Montana, 1955, be and the same is hereby amended to read as follows:

Definitions.

"Sewage."

"69-1328. **Definitions.** For the purpose of this act, the following words and phrases shall have the meanings ascribed to them in this section: (a) 'Sewage' means the water-carried waste products from the residences, public buildings, institutions or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present. The provisions of this act shall not apply to the excrementitious discharges of domestic and farm animals providing human health is not involved.

"Industrial waste."

(b) 'Industrial waste' means any liquid, gaseous or solid waste substances resulting from any process of industry, manufacturing, trade or business or from the development of any natural resource, together with such sewage as may be present, which may pollute the waters of the state.

"Other wastes."

(c) 'Other wastes' means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, tar, chemicals and all other substances which may pollute the waters of the state.

"Contamination."

(d) 'Contamination' means an impairment of the qualities of the waters of the state by sewage or industrial wastes to a degree which creates a hazard to human health.

"Pollution."

(e) 'Pollution' as used in this act shall mean the alteration of the physical, chemical or biological properties of any waters of the state which renders said waters harmful or detrimental for their most beneficial uses and over which the authority of the state board of health as vested

by title 69, chapter 13 of the Revised Codes of Montana, 1947, as herein amended, does not extend, except that no waters not now being used for human consumption as a single public supply system serving more than one hundred (100) persons shall be classified other than for industrial waste use where the same have been primarily and continuously devoted to industrial waste use except for seasonal variations for a period of over thirty (30) years. *Provided, however, that new industry or sewerage system discharging industrial or other wastes into waters excepted by paragraphs (e) and (i) from the provisions of this act shall be required to maintain the classification established by the council at the point of discharge and downstream on such waters.* Where waters have been classified or standards established pursuant to this act, any discharge which is not in accord with such classification or standards shall be deemed to be pollution.

Proviso—
new industry or
sewerage system.

(f) 'Sewerage system' means pipe lines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for collecting or conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

"Sewerage
system."

(g) 'Treatment works' means any plant, disposal field, lagoon, dam, pumping station, incinerator, or other words not specifically mentioned herein, installed for the purpose of treating, stabilizing or holding sewage, industrial waste, or other wastes.

"Treatment
works."

(h) 'Disposal system' means a system for disposing of sewage, industrial waste or other wastes, and includes sewerage systems and treatment works.

"Disposal system."

(i) 'Waters of the state' means all streams and lakes, including all rivers and lakes bordering on the state, wells, springs, irrigation systems, marshes, watercourses, waterways, drainage systems and other bodies of water, surface and underground, natural or artificial, publicly or privately owned. *Provided, however, that unless drainage or seepage from artificial, privately owned bodies of water reaches flowing streams of the state in such condition as to pollute such flowing waters, the provisions of this act shall not apply to artificial, privately owned waters; and provided further, the provisions of this act shall not apply to any waters of the state not reasonably suitable for*

"Waters of
the state."

domestic or public water supply for human consumption at the time of the passage of this act.

"Person." (j) 'Person' means the state or any instrumentality thereof, any municipality, political subdivision, institution, public or private corporation, partnership, individual, or other entity."

Repealing clause. Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately. Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved March 7, 1959.

CHAPTER 152

An Act to Amend Section 71-509, Revised Codes of Montana, 1947, Replacement Volume Four (4), Relating to the Periodic Reconsideration and Changes in Amount of Assistance Under the Public Welfare Act, Part 4—Aid to Needy Dependent Children, Providing that Needy Dependent Children Who Are Enrolled Members of the Recognized Indian Tribes May Receive Not to Exceed One Hundred Dollars (\$100.00) in Any One (1) Calendar Year, as Per Capita Payment from Tribal Lands or Tribal Profits, Without Affecting the Amount of Their Assistance; and Providing for a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That section 71-509, Revised Codes of Montana, 1947, replacement volume four (4), be, and the same is hereby amended to read as follows:

Periodic reconsideration of assistance to needy Indian children. "71-509. Periodic reconsideration and changes in amount of assistance. All assistance grants made under this part shall be reconsidered by the county department as frequently as may be required by the rules of the state department. After such further investigation as the county department may deem necessary or the state department may require, the amount of assistance may

be changed or assistance may be entirely withdrawn if the state or county departments find that the child's circumstances have altered sufficiently to warrant such action. *Providing however, when federal law or regulations permit that any amount in a sum not exceeding one hundred dollars (\$100.00) in any one (1) calendar year received by an enrolled member of a recognized Indian tribe as per capita payments or a share in the profits and receipts from tribal lands and interests or tribal enterprises shall not be used to decrease the amount of assistance received under this act."*

Federal law not used to decrease.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 7, 1959.

CHAPTER 153

An Act to Amend Section 71-607, Revised Codes of Montana, 1947, Replacement Volume Four (4), Relating to the County Welfare Board and Providing That the Amount of Assistance to a Needy Blind Person Shall Be Determined By the County Welfare Board; Providing That Needy Blind Recipients Who Are Enrolled Members of the Recognized Indian Tribes May Receive Not to Exceed One Hundred Dollars (\$100.00) in Any One (1) Calendar Year, as Per Capita Payment from Tribal Lands, or Tribal Profits, Without Affecting the Amount of Their Assistance; Providing for a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 71-607, Revised Codes of Montana, 1947, replacement volume four (4), be, and the same is hereby amended to read as follows: Amending clause.

"71-607. Investigation of applications. Whenever a county public welfare department receives an application for assistance under this chapter an investigation shall be promptly made. The investigation of each application for aid to needy blind shall be conducted by the county board through a staff worker of the county

Investigation of applications for county assistance to needy blind.